IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 138 of 2005

Between:

S.Manikanta, S/o.S.Ashok Kumar
R/o.4-57, Basar Temple Road, Basar, Adilabad, District.

..... PETITIONER

AND

1 Commissioner of Endowment, having office at Endowment Office,

Bogulkunta, Hyderabad.
2 The Administrative Officer Sri Gnana Saraswathi Devasthanam,

Basar, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the respondent has no right to encroach upon the petitioner's right to trade of selling coconuts and puja articles within the premises of Sri Gyana Saraswathi Devasthanam, Basar, Mudhol Mandal, Adilabad District till he is evicted in due course of Law, Consequently this Hon'ble Court may be pleased to direct the respondents to allow the Petitioner to continue to run his business within the premises of Sri Gyana Saraswathi Devasthanam, Basar, Mudhol Mandal, Adilabad District, till an alternate arrangement is made and pass any other order or orders.

Counsel for the Petitioner:MR.MOHD.MOIN AHMED QUADRI

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for Respondent NO.2 : MR.Kondaveeti Ravi

The Court at the stage of admission made the following ORDER:

Petitioner was granted licence by Sri Gnana Saraswathi Devasthanam, Basar for running a stall, for sale of certain items, such as note books, pens, coconuts, cassettes etc., for a period of three months i.e. from 15.10.2004 to 14.01.2005. The Devasthanam issued a tender notice dated 13.01.2005 for the subsequent period of three months. The petitioner submitted a representation to the Devasthanam to permit him to continue as licencee till the licence, in pursuance of the tender notice dated 13.01.2005, is finalized. Since no orders have been passed thereon, he approached this Court.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the Devasthanam.

The limited grievance of the petitioner is only in relation to the interregnum period between the expiry of his licence and the grant of licence in pursuance of the tender notice dated 13.01.2005. Taking into account the licence fee for the period of three months ending with 14.01.2005, this Court permitted the petitioner to continue his business, on payment of Rs.3,000/- per day. The respondents have now represented that in the tenders submitted, in pursuance of the notice dated 13.01.2005, the petitioner emerged as the highest bidder. It is also represented that the matter is now with the first respondent, for approval. The finalization of the same is likely to take some more time. No prejudice, as such, would be caused to the respondents, if the petitioner is continued till formal orders approving his tender are passed, duly taking into

account the subsequent offer.

Hence, the writ petition is disposed of directing that the respondents shall continue the petitioner as licencee for the stall in question, on payment of Rs.3,400/- (Rupees Three thousand and four hundred only) per day, till the first respondent passes orders in relation to the acceptance of a tender, in pursuance of the notice dated 13.01.2005. There shall be no order as to costs.

27.01.2005

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To

1 Commissioner of Endowment, having office at Endowment Office,

Bogulkunta, Hyderabad.
2 The Administrative Officer Sri Gnana Saraswathi Devasthanam,

Basar, Adilabad.

3 Two CCs. to the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.